

A. G. Contract No. KR94-0313-TRN
JPA No.: 94-23
Project: Safety Flashers/Lighting
Section: SR-87 Chandler

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF CHANDLER

THIS AGREEMENT is entered into 12 May, 1994,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF CHANDLER, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. The State has constructed safety improvements on State
Route 87 at the intersections of Willis, Germann, Queen Creek,
Ocotillo and Chandler Heights roads in the City, including
flashing light signals and roadway lighting, for the safety and
benefit of the motoring public. The City has agreed to furnish
electrical energy for the improvements.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>18569</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>05/12/94</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE

1. The State will:

Provide routine maintenance to the lighting improvements, to include bulb replacement, any required controller maintenance and necessary cleaning.

2. The City will:

Provide electrical energy for the lighting improvements.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this agreement shall remain in full force and effect for period of five (5) years from the effective date, unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial or renewed expiration date.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Chandler
City Manager
25 S. Arizona Place #301
Chandler, AZ 85225

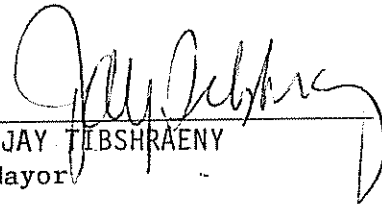
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

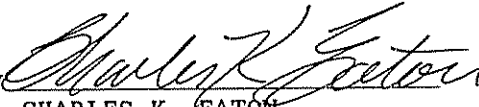
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF CHANDLER

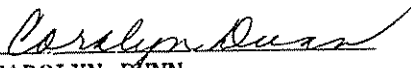
STATE OF ARIZONA

Department of Transportation

By 
JAY TIBSHRAENY
Mayor

By 
CHARLES K. EATON
State Traffic Engineer

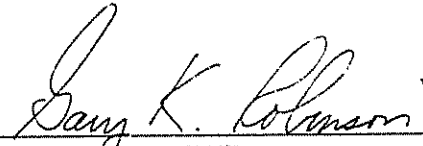
ATTEST

By 
CAROLYN DUNN
City Clerk

RESOLUTION

BE IT RESOLVED on this 8th day of February 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation to enter into an agreement with the City of Chandler for the purpose of establishing an agreement for the City to provide electrical energy to safety lighting installed on SR-87 in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.

For: 
LARRY S. BONINE
Director

APPROVAL OF THE CHANDLER CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF CHANDLER, and declare this agreement to be in proper form and within the powers and authority granted to the City of Peoria under the laws of the State of Arizona.

DATED this 15th day of April, 1994.

Gerrin M. O'Neill

City Attorney

RESOLUTION NO. 2229

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE AND OPERATION OF FLASHING SIGNALS AND ROADWAY LIGHTING

WHEREAS, the City of Chandler, hereinafter called CITY, requested safety improvements along State Route 87 in the south part of the City; and

WHEREAS, the Arizona Department of Transportation, hereinafter called STATE, has installed flashing signals and roadway lighting on State Route 87 at the intersections of Willis, Germann, Queen Creek, Ocotillo and Chandler Heights Roads; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

1. That certain "INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF CHANDLER" relating to flashing signals and lighting on State Route 87 in Chandler is hereby approved; and
2. The Mayor is hereby authorized to execute said agreement.

PASSED AND ADOPTED by the City Council of Chandler, Arizona, this 14 day of April, 1994.

ATTEST:

Carolyn Dunn
CITY CLERK

John Libby
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 2229 was duly approved, passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 14 day of April, 1994 and that a quorum was present thereat.

Carolyn Dunn
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR94-0313-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 5th day of May, 1994.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8365G